



# Opencast Coal Act 1958

## 1958 CHAPTER 69

### PART II

#### COMPENSATION FOR COMPULSORY RIGHTS ORDERS

##### *Compensation in respect of agricultural land*

#### **26 Compensation for short-term improvements and related matters**

- (1) Where, in the exercise of rights conferred by a compulsory rights order, the Board occupy any land which, immediately before the date of entry, was agricultural land, compensation shall be payable by the Board in respect of any improvements or other matters to which this section applies in relation to that land.
- (2) This section applies, in relation to any land,—
  - (a) to any improvements, of a description specified in Part I of the Fourth Schedule to this Act, which had been carried out on that land before the date of entry, and
  - (b) to any matters, of a description specified in Part II of the Fourth Schedule to this Act, which applied to that land immediately before that date:

Provided that, in relation to land which, immediately before the date of entry, was not occupied by a tenant, Part II of the Fourth Schedule to this Act shall apply subject to the modifications specified in Part III of that Schedule.

- (3) Where compensation is payable by the Board under this section in respect of any improvements or other matters, the compensation shall be of an amount equal to the amount of the compensation which would have been payable in respect of those improvements or matters under the Act of 1948 if—
  - (a) where the land in question did not form part of an agricultural holding immediately before the date of entry, it had formed part of such a holding immediately before that date, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) in any case, the tenancy of the agricultural holding comprising that land had terminated on the date of entry and the tenant thereunder had then quitted the holding.
- (4) The person entitled to any compensation payable by virtue of this section—
- (a) in the case of land which, immediately before the date of entry, was occupied by a tenant, shall be that tenant, and
  - (b) in any other case, shall be the person who was the owner of the land immediately before the date of entry.
- (5) If, by virtue of the power conferred by section seventy-eight of the Act of 1948, the provisions of the Fourth Schedule to that Act are varied, the Minister may by order make such corresponding variations in the provisions of Parts I, II and III of the Fourth Schedule to this Act as he may consider appropriate.
- (6) In the application of this section to Scotland, the following subsection shall be substituted for subsection (2) of this section:—

“(2) This section applies, in relation to any land, to any improvements of a description specified in Part IV of the Fourth Schedule to this Act, which had been carried out on that land before the date of entry:

Provided that, in relation to land which, immediately before the date of entry, is not occupied by a tenant, Part IV of that Schedule shall apply subject to the modifications set out in Part V of that Schedule”;

in subsection (3) of this section for the reference to the Act of 1948. there shall be substituted a reference to the Scottish Act of 1949; and in subsection (5) of this section, for the references to section seventy-eight of the Act of 1948 and to the Fourth Schedule to that Act there shall be substituted respectively references to section seventy-nine of the Scottish Act of 1949 and to Part III of the First Schedule to that Act, and for the reference to Parts I, II and III of the Fourth Schedule to this Act there shall be substituted a reference to Parts IV and V of that Schedule.